

Application No.: 10/061,343
Atty. Docket No.: 53394.000605

Amendment dated August 19, 2004
Reply to Office action of May 19, 2004

Remarks

A. Brief Status of Pending Claims

At the time of the Office action, claims 1-46 were pending in the application. Claims 1, 19, 20, 41, and 42-45 were rejected in the Office action under 35 U.S.C. § 102. Claims 2-18 and 21-40 were rejected in the Office action under 35 U.S.C. § 103.

This amendment cancels claims 12-18 and 31-37. Additionally, claims 1, 19, 20, 41, and 42 are currently amended. With the entry of this amendment, claims 1-11, 19-30, and 38-46 are now pending in the application.

B. Rejection of Claims 1, 19, 20, and 41 under 35 U.S.C. § 102(e)

Claims 1, 19, 20, and 41 were rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent 5,851,205 to Hisada. *et al.* ("Hisada"). Office Action, page 2. Claims 1, 19, 20, and 41 have been amended to recite the additional limitation of "the fastening area having a second edge, wherein the second edge is substantially parallel to the first edge." Support for this amendment is provided, for example, in the original specification on page 12, ll. 11-12, and in Figs. 3-14.

In order for Hisada to anticipate claims 1, 19, 20, and 41, Hisada must teach every element of each of claims 1, 19, 20, and 41. *See MPEP § 2131, see also, Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987). Hisada does not disclose or reasonably suggest a fastening area having each of the limitations recited in amended claims 1, 19, 20, and 41. Illustratively, Fig. 2 of Hisada shows a fastening area, but that area does not have "a first edge, wherein a first tangent line is tangent to a first portion of the first edge of the fastening area, a second tangent line is tangent to a second portion of the first edge of the fastening area, the second tangent line intersects the first tangent line." Hisada, Fig. 5 also shows a fastening area, but that area does not have "a second edge, wherein the second edge is substantially parallel to the first edge."

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Because Hisada does not teach every element of claims 1, 19, 20, and 41, Applicant respectfully submits that Hisada does not anticipate claims 1, 19, 20, and 41. Applicant respectfully traverses the rejection of claims 1, 19, 20, and 41 and request that the rejection of these claims be withdrawn.

C. Rejection of Claims 2-18 and 21-40 under 35 U.S.C. § 103(a)

Claims 2-18 and 21-40 were rejected under 35 U.S.C. § 103(a) as allegedly being obvious in view of Hisada in view of U.S. Patent 5,057,097 to Gesp. Office Action, page 3. Claims 12-18 and 31-37 have been canceled. Claims 2-11 are dependent claims based on independent claim 1, and claims 21-30 are dependent claims based on independent claim 21.

The Examiner's rejection of claims 2-11 and 21-30 as obvious was substantially based on an allegation that Hisada anticipated independent claims 1 and 21. Office Action, page 3. In view of the amendments to claims 1 and 21, which are believed to place claims 1 and 21 in condition for allowance, Applicant respectfully traverses the rejection of claims 2-11 and 21-30 and requests that the rejection of these claims be withdrawn.

D. Rejection of Claims 42-46 under 35 U.S.C. § 102(e)

Claims 42-45 were rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent 6,454,753 to Shimoe, *et al.* ("Shimoe"). Office Action, page 2. Claim 42 is an independent claim and claims 43-45 depend from claim 42. Claim 42 has been amended to recite the additional limitation of "the deadened zone having a first edge, the first edge being non-parallel to the fastener tab end edges, and the deadened zone having a second edge, wherein the second edge is substantially parallel to the first edge." Support for this amendment is provided, for example, in the original specification on page 12, ll. 11-12, and in Figs. 3-14.

In order for Shimoe to anticipate claim 42, Shimoe must teach every element of claim 42. See MPEP § 2131, *see also*, *Verdegaal Bros.*, 814 F.2d at 631. Shimoe does not disclose or reasonable suggest a deadened zone area having each of the limitations recited in claim 42. For

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example, Shimoe does illustrate a deadened zone having "a first edge, the first edge being non-parallel to the fastener tab end edges, and the deadened zone having a second edge, wherein the second edge is *substantially parallel* to the first edge" (emphasis added). Therefore, Shimoe does not anticipate amended claim 42, and Applicant respectfully solicits allowance of amended claim 42. Claims 43-46 depend from amended claim 42. Because the Shimoe patent does not disclose all of the limitations of claim 42, claims 43-46 cannot be anticipated by Shimoe. Thus, withdrawal of the rejection of claims 43-46 is also requested.

Conclusion

Applicant believes that all of the rejections and objections in the Office action have been addressed by the amendments and remarks above. If there are any questions concerning this Response, Applicant would welcome a telephone call or interview with the undersigned Applicant's representative.

Applicant does not believe that any fees are due at this time. However, if any fees are due, authorization is hereby granted to charge those additional fees to the undersigned's deposit account no. 50-0206.

Respectfully submitted,

HUNTON & WILLIAMS

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